

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

**TANNER HIRSCHFELD;
NATALIA MARSHALL,**

Plaintiffs-Appellants

v.

**BUREAU OF ALCOHOL,
TOBACCO, FIREARMS
AND EXPLOSIVES, ET AL.,**

Defendants-Appellees.

Case No. 3:18-cv-00103-GEC

**PLAINTIFF-APPELLANTS' AND PROPOSED PLAINTIFF-APPELANTS" MOTION
TO ADD COREY FRASER AND BATTLEFIELD FIREARMS AS PLAINTIFF-
APPELLANTS**

COME NOW Plaintiffs, Mr. Tanner Hirschfeld and Ms. Natalia Marshall, by and through counsel, together with prospective Plaintiffs Mr. Corey Fraser and Battlefield Firearms, trade name of QMF.Wyatt, LLC (hereinafter "Battlefield") (collectively "Movants"), and respectfully move this honorable Court to add Mr. Fraser and Battlefield to this suit pursuant to Rule 21 or, in the alternative, allow them to intervene as plaintiff-appellants pursuant to Rule 24. This motion is accompanied by a brief that provides the argument and authorities on which Movants rely in support. A proposed order accompanies this motion.

SUMMARY

1. Movants bring this motion to ensure the existence of a live controversy in this case. Plaintiffs challenge federal laws that prohibit licensed firearm dealers from selling handguns and handgun ammunition to young adults between the ages of eighteen and twenty-one years old. The District Court granted the defendant-appellees' Motion to

Dismiss and denied the Plaintiffs' Motion for Summary Judgment. A panel of the Fourth Circuit vacated, reversed, and remanded the District Court's judgment.

2. The defendant-appellees (hereinafter "the Government") may seek a rehearing of the panel decision or petition the Supreme Court of the United States for certiorari, but Mr. Hirschfeld has turned twenty-one since this litigation ensued and Ms. Marshall will turn twenty-one before a rehearing or certiorari is granted. The panel found that Mr. Hirschfeld's case is moot due to his age¹, while Ms. Marshall's claims remain active for review as she is not yet twenty-one years old. Both parties believe their cases shall remain active pursuant to the doctrine of moot, yet capable of repetition but escaping review. Nevertheless, both posit the following argument on behalf of other interested parties.
3. Movants' principal request for this Court is to add Mr. Corey Fraser and Battlefield Firearms ("Battlefield") as plaintiffs pursuant to Rule 21 of the Federal Rules of Civil Procedure. In the alternative, Movants request that the Court allow Mr. Fraser and Battlefield to intervene as plaintiffs pursuant to Rule 24. In accordance with Rule 24(c), this motion is accompanied by Mr. Fraser's and Battlefield's proposed Complaint in intervention.

For these reasons those set forth in the accompanying brief, this Court should grant Movants' motion.

Respectfully submitted,

/s

Elliott M. Harding, Esq. VSB# 90442

Counsel for the Appellants

Harding Counsel, PLLC

608 Elizabeth Ave.,

Charlottesville, VA 22901

P: 434-962-8465

E: Elliott@HardingCounsel.com

¹ Mr. Hirschfeld contests this ruling.

CERTIFICATE OF SERVICE

On July 24, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Virginia, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

_____/s_____
Elliott M. Harding, Esq. VSB# 90442
Counsel for the Appellants
Harding Counsel, PLLC
608 Elizabeth Ave.,
Charlottesville, VA 22901
Tel: 434-962-8465
E: Elliott@HardingCounsel.com